

REMARKS

The present application was filed on July 17, 2003 with claims 1-67. Claims 3, 5-14, 19-23, 30-54 and 62-67 have been canceled without prejudice. Independent Claims 1, 55 and 59-61 have been amended and claims 1, 2, 4, 15-18, 24-29 and 55-61 remain pending.

In the outstanding Office Action, the Examiner rejected claims 1-67 under 35 U.S.C. §112, second paragraph. Applicant hereby traverses the above rejection for at least the reasons set forth below and respectfully requests reconsideration of the present application.

In accordance with M.P.E.P. §2173.05(n), "claims must be repetitious and multiplied, the net result of which is to confuse rather than to clarify" in order for a rejection on undue multiplicity to be appropriate. The Examiner has failed to point out which of the presented claims are believed to be repetitious and multiplied. Instead, the Examiner simply contends that the claims as a whole recite an undue multiplicity of claims by virtue of the number of claims presented. Applicant asserts that the number of claims alone cannot justify a rejection of an undue multiplicity of claims since the number of claims provides no proof of repetition within the claims.

Further, while the Applicant appreciates the statistical evidence presented by the Examiner regarding the number of claims in patents, the Examiner fails to explain why the claims of this individual application should be limited to twenty total claims and six independent claims. Proof that most applications have fewer claims is not proof of undue multiplicity of claims in the present application.

Applicant asserts that the number of claims presented is not unreasonable for the present invention and that these claims do not "obfuscate, confuse, and becloud the claimed invention." During the initial examination of claims 1-54 the issue of undue multiplicity of claims was not addressed. These claims remain unchanged aside from a few minor typographical amendments. Therefore, Applicant assumes that since undue multiplicity was not an issue during their first examination, no such issue exists with respect to claims 1-54 in the current reissue application.

The present reissue application was filed with the addition of claims 55-67 in order to broaden coverage of the patent. These claims were added to recite methods, apparatus and computer program products from specified points of view of the four party payment protocol, specifically, a

gateway associated with an issuing bank and a computer of a merchant. For example, independent claim 55 recites a method of operating a four party payment protocol in accordance with a gateway associated with an issuing bank. The apparatus and computer program product for the method described in claim 55 are recited in independent claims 59 and 60, respectively. Further, independent claim 61 discloses a method of operating a four party payment protocol in accordance with a computer of a merchant. The apparatus and computer program product for the method described in claim 61 are disclosed in independent claims 62 and 63, respectively.

Independent claim 64 discloses a method of providing at least a part of a four party payment service, the part of the service being provided in accordance with a gateway associated with an issuing bank. Independent claim 65 discloses a method of providing at least a part of a four party payment service, the part of the service being provided in accordance with a computer of a merchant.

Independent claim 66 discloses a method of operating a four party payment protocol in accordance with a gateway associated with an issuing bank. Claim 66 differs in scope from claim 55 in that the issuing bank maintains a mapping of card numbers and corresponding reference numbers instead of a table of such numbers as in claim 55. Independent claim 67 discloses a method of operating a four party payment protocol in accordance with a computer of a merchant. Claim 67 differs in scope from claim 61 in the same manner described above with regard to claims 66 and 55.

Finally, Applicant asserts that current claims do not provide a multiplicity of inventions, and thus, should not be restricted. No such restriction was required during the previous examination of claims 1-54. Further, as described above, the newly presented claims 55-67 recite methods, apparatus and computer program products from specified points of view of the four party payment protocol, specifically, a gateway associated with an issuing bank and a computer of a merchant.

Applicant has canceled claims 3, 5-14, 19-23, 30-54 and 62-67 without prejudice, as required by the Office Action, so that only twenty claims are pending. Further, independent claims 1, 55 and 59-61 have been amended in accordance with the Examiner's suggestions in the Office Action.

In view of the above, Applicant believes that claims 1, 2, 4, 15-18, 24-29 and 55-61 are in condition for allowance, and respectfully requests withdrawal of the §112 rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Griffith". The signature is fluid and cursive, with a large initial 'R' and 'G'.

Date: July 25, 2006

Robert W. Griffith
Attorney for Applicant(s)
Reg. No. 48,956
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-4547